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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

24 FEB 1994

93-61

IN REPLY REFER TO:

5210-02/1700A1  
**RECEIVED**

MAR 3 1 1994

Honorable J. Bennett Johnston, Jr.  
United States Senate  
136 Hart Senate Office Building  
Washington, D.C. 20510-1802

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Dear Senator Johnston:

Thank you for your letter of January 24, 1994, to Chairman Reed E. Hundt regarding an FCC rulemaking proceeding concerning use of the 902-928 MHz band. You expressed concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rulemaking adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rulemaking, PR Docket No. 93-61, 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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In this rulemaking proceeding the Commission has recognized the difficulty various users may have in sharing this band and has therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities have filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission will give full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you again for your interest in this matter and, while I do not want to prejudice the Commission's decisions in this proceeding, I can assure you that we shall carefully consider the concerns raised in your letter in our deliberations.

Sincerely,

*R. H. Msham, for*

Ralph A. Haller  
Chief, Private Radio Bureau

Enclosure

J. BENNETT JOHNSTON  
LOUISIANA

# United States Senate

WASHINGTON, DC 20510-1802

January 24, 1994

Ms. Lauren J. Belzin  
Federal Communications Commission  
Legislative Affairs  
1919 M Street, N.W., Room 808  
Washington, D.C. 20554

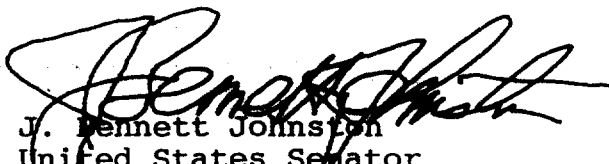
Dear Ms. Belzin:

Because of my desire to be responsive to all inquiries, I respectfully request your consideration of the enclosed material.

I will appreciate your findings and views, in duplicate form, along with the return of the enclosures by February 23, 1994.

With kindest regards, I am

Sincerely,



J. Bennett Johnston  
United States Senator

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Enclosure

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CORPORATION

101 West Robert E. Lee Boulevard • Suite 202 • New Orleans, Louisiana 70124 • (504) 282-8119 • FAX 282-0999

1994 NOV -1 PM 2:21

October 28, 1993

Senator J. Bennett Johnston  
1010 Hale Boggs Federal Building  
501 Magazine Street  
New Orleans, LA 70130

Via U.S. Mail

Re: Axonn Corporation Letter, dated 10/28/93

Dear Senator Johnston,

Please find enclosed the draft letter to Chairman Reed Hundt referenced in our letter to you of 10/28/93. It was inadvertently omitted from your mailing.

Thank you,

Michele Solar  
Axonn Corporation

Chairman Reed Hundt  
Federal Communications Commission  
1919 M Street  
Washington, DC 20054

Dear Chairman Hundt:

I am writing in regard to the FCC proposed rule-making that would greatly expand the current interim rules regarding automatic vehicle and location monitoring in the 900 MHz band.

These rules, if enacted, would have a serious impact on the viability of the Part 15 industry — a multi-million dollar segment of the wireless industry. The Part 15 industry is composed of dozens of companies, large and small, that in good faith invested millions of dollars on advanced research and development and production in the 900 MHz Part 15 band. That investment was encouraged by Commission rulings opening up this band to unlicensed operation.

The flexible rules for unlicensed operation attracted small high-technology entrepreneurs. In fact, many of the new and innovative wireless technology advances of the last several years, such as spread spectrum, have begun commercialization in this band. This band is the one place that U.S. technology has an advantage over foreign developed technology. For example, consumer products, like digital spread spectrum cordless telephones, and commercialized products like utility metering devices are able to take advantage of this unique characteristics of this band. Significantly, U.S. developed technology is the underlying basis of most of these products.

In contrast, the technology base of the vehicle monitoring and location service proposed by the FCC is foreign developed and the main beneficiaries of the manufacturing segment will be foreign companies.

Historically, the FCC place-licensed services in exclusive spectrum, especially a service, which will be widely offered to the public. To introduce such a service in an unlicensed band with little consideration of the interference impact on current products and the users of those products does a disservice to both the location monitoring uses and the Part 15 industry. Placing the licensed location and monitoring service in the same band with a maturing unlicensed Part 15 industry will ensure the destruction of one or both of these activities.

I request that the Commission explore all available alternatives in this proceeding and take whatever measures are necessary to ensure that Part 15 equipment developers and users of their equipment are not disadvantaged by Commission action.

Sincerely,

J. Bennett Johnston  
Louisiana State Senator